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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,626	12/19/2000	Luis M. Ortiz	K1028	9875

7590 02/02/2004
Kermit D. Lopez
PO Box 7720
Dallas, TX 75209-0720

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,626

Applicant(s)

ORTIZ, LUIS M.

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

- A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 12-14, 16-21, 26-28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Danielson (5,895,906).

Danielson discloses a hand-held data capture system comprising reading credit card data from a credit card utilizing a credit card reader integrated with a wireless hand held device (**col.3, lines 1-54**); physically permitting a credit card holder to input an electronic signature through a touch screen display integrated with said wireless hand held device to authorize a credit card transaction associated with said credit card (**fig.30-31 and col.31, lines 1-42**); transferring said credit card data from said wireless hand held device to a wireless network (**col.3, lines 37-46**); the step of physically permitting a credit card holder to input an electronic signature through a touch screen display integrated with said wireless hand held device to authorize a credit card transaction associated with said credit card, further comprising the steps of: accepting a physical signature input via said touch screen display by a credit card holder (**fig.30-31 and col.3, lines 25-40**); converting said physical signature to an electronic signature (**col.31, line 50 to col.32, line 11**); transferring said electronic signature from said wireless hand held device through a wireless network to a server (**col.31, line 50 to**

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col.32, line 11); authenticating said electronic signature and said credit card data through said server and storing said credit card transaction at said server (**col.6, lines 23-62 and col.31, line 50 to col.32, line 11**); rendering said electronic signature as a facsimile of a physical signature associated with said electronic signature and credit card transaction data at a printing station associated with said wireless network (**col.3, lines 17-30 and col.10, lines 53-62**); authorizing said electronic signature and said credit card data through an authorization server associated with said wireless network (**col.31, line 50 to col.32, line 11**); authorizing said electronic signature and said credit card data through a credit card authorization server associated with said wireless network (**col.31, line 50 to col.32, line 11**); transferring an electronic record of said credit card transaction to a wireless printer from said wireless hand-held device through wireless communications (**col.3, lines 17-30 and col.10, lines 53-62**); credit card reading module for reading credit card data from a credit card utilizing a credit card reader integrated with a wireless hand held device (**col.3, lines 1-59**); electronic signature module for physically permitting a credit card holder to input an electronic signature through a touch screen display integrated with said wireless hand held device for use in authorizing a credit card transaction associated with said credit card (**fig.30-31 and col.31, lines 1-42**); wireless communications module for transferring said credit card data from said wireless hand held device to a wireless network (**col.3, lines 37-46**); conversion module for converting a physical signature of a credit card holder to an electronic signature (**col.31, line 50 to col.32, line 11**); transmission module for transmitting said electronic signature from said wireless hand held device through said

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wireless communications module to a wireless printer (**col.3, lines 17-30 and col.10, lines 53-62**); authorization module for authorizing said s electronic signature and said credit card data through a remote server (**col.31, line 50 to col.32, line 11**); rendering module for rendering said electronic signature as a facsimile of a physical signature of said credit card holder and credit card transaction data at a printing station associated with said wireless network (**col.3, lines 17-30; col.10, lines 53-62; and col.31, line 50 to col.32, line 11**); authorization module for remotely authorizing said electronic signature and said credit card data through a credit card authorization server associated with said credit card (**col.6, lines 23-50 and col.31, line 50 to col.32, line 11**); authorization module for authorizing said electronic signature and said credit card data through a credit card authorization server through said wireless network (**col.6, lines 23-50 and col.31, line 50 to col.32, line 11**); transfer module for transferring an electronic record of said credit card transaction to a wireless printer from said wireless hand held device through wireless communications (**col.3, lines 17-30 and col.10, lines 53-62**); a touch screen display integrated with said wireless hand held device (**fig.30-31 and col.31, lines 1-42**); a credit card reader integrated with said wireless hand held device (**col.3, lines 1-59**); an electronic signature module for accepting and processing a physical signature input via said touch screen display by a credit card holder (**fig.30-31 and col.31, lines 1-42**); and a wireless communicator integrated with said wireless hand held device that permits said wireless hand held device to communicate with a wireless network, thereby permitting an electronic signature and credit card data read from a credit card through said credit card reader to be transferred

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from said wireless hand held device to said wireless network (col.3, lines 17-30; col.10, lines 53-62; and col.31, line 50 to col.32, line 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 15, 22-25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danielson in view of Tognazzini (5,739,512).

Danielson discloses the invention substantially as claimed; however, Danielson does not disclose rendering said electronic signature as a facsimile of a physical signature associated with said electronic signature and credit card transaction data at a printing station associated with said credit card holder; rendering credit card transaction data and said electronic signature as a digitized representation of a physical signature to an electronic mailbox associated with said credit card holder; rendering an electronic receipt in an electronic medium selected by said credit card holder, wherein said electronic receipt verifies said credit card transaction; rendering an electronic receipt in an electronic medium selected by said credit card holder, wherein, said electronic receipt verifies said credit card transaction and wherein said rendering is based on a credit card holder profile of said credit card holder; transferring said electronic receipt to a user email account associated with said credit card; transferring an electronic record of said credit card transaction to a wireless hand held device associated with said credit

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card holder through said wireless communications; rendering module for rendering said electronic signature as a facsimile of said physical signature and credit card transaction data at a printing station associated with said credit card holder; rendering module for rendering said electronic signature as a digitized representation of said physical signature and credit card transaction data at an electronic mailbox associated with said credit card holder; rendering module for rendering an electronic receipt in an electronic medium for said credit card holder, wherein said electronic receipt verifies said credit card transaction; transfer module for transferring said electronic receipt to a user e-mail account associated with said credit card; or a transfer module for transferring an electronic record of said credit card transaction to a wireless hand held device associated with said credit card holder through said wireless communications.

Tognazzini teaches digital delivery of receipts comprising electronic delivery of credit card receipts to email addresses (**col.4, line 48 to col.5, line 15**) that may be printed out at a printer designated by the credit card holder if desired. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate digital delivery of receipts to email addresses, as taught by Tognazzini into the device and method disclosed by Danielson, to demonstrate that an alternative method of delivering receipts to credit card holders is known and to allow the user to receive confirmation of card activities upon signing on the hand-held digital screen.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ziarno (5,895,902)
Danielson (5,468,947)
Danielson (5,227,614)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-6101.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-2272.



LMH



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